

Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road
(972) 450-7000 Fax: (972) 450-7043

AGENDA

MEETING OF THE TOWN OF ADDISON

CHARTER REVIEW COMMISSION

6:00 P.M.

MARCH 10, 2010

ADDISON CONFERENCE AND THEATRE CENTRE

15650 ADDISON ROAD

Item #1 - PUBLIC HEARING

Members of the public who would like to speak on issues associated with Addison's City Charter may do so at this time.

Item #2- Discussion by the Group of Articles IX – XI of the Addison City Charter.

Adjourn Meeting

Posted: March 4, 2010 at 5:00 P.M.
Lea Dunn - City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

**MINUTES OF THE ADDISON
CHARTER REVIEW COMMISSION**

March 10, 2010
6:00 P.M. – Buckthorn Room
Addison Conference and Theatre Centre
15650 Addison Road

Present: Bruce Arfsten, Kelly Blankenship, Burk Burkhalter, Linda Groce,
David Griggs, Margie Gunther, Neil Hewitt, Susan Hayes, Lance
Murray, Suzie Oliver, Bill Perry, Roy Stockard

Absent: None

Item #1 - PUBLIC HEARING

Chairman Groce opened the meeting as a public hearing. The following persons spoke, and all comments regarded Charter Section 11.04. Restriction of sale of alcoholic beverages. :

Jimmy Niemann, 14921 Bellbrook Drive
Fran Powell, 14796 Lochinvar Court and leasing manager for the Village
on the Parkway Shopping Center
Tom Sowers, 14901 Oaks North Drive
Glen Agritelli, 14904 Lake Forest and owner of Mercy Wine Bar in the
Village on the Parkway
Ginger Morgan, 15770 Seabolt
David Misko, 15773 Seabolt
Phyllis Silver, 15720 Artists Away
Traci Heatherington, 5006 Parkview
Ed Homko, 5055 Addison Circle
Bernard Shaw, leasing agent for Addison Town Center

Item #2 – Discussion by the Group of Articles V-VIII of the Addison City Charter.

The Group went through Articles IX through XI of the Charter, and noted possible changes to the following sections:

Section 9.02. Initiative. The Commission asked the staff to check and see if the list of qualified voters is maintained at Dallas County by the Tax Collector as opposed to the Elections Division of the County.

Section 9.03. Form of initiative and referendum petition. The Commission noted that a global change should be made to the Charter to change all references from 19__ to 20__.

Section 10.02. Petitions for recall. The question came up again as to which office at Dallas County actually holds the list of qualified voters. The Charter also references the tax collector of Dallas County in this section.

Section 11.02. Officers or employees of the Town not to have financial interest in any contracts of the Town. The Commission asked the City Attorney to look at this section and provide some clarification.

Section 11.04. Restriction of sale of alcoholic beverages. The Commission discussed at length the Town's current requirement that restricts the sale of alcoholic beverages for off-premises consumption to the existing west side of Inwood Road, between the southern corporate limits and the southern right-of-way of Belt Line Road. The area is further clarified through a metes and bounds legal description contained in the Charter.

The Commission members took a straw vote on whether to recommend that the question regarding eliminating the restriction on the sale of beer and wine only for off-premises consumption be put on the ballot and decided by the voters. The Commissioners voted 12-0 in favor of recommending to the Council that a Charter amendment eliminating the restriction on the sale of beer and wine only for off-premises consumption be put to an election by the voters.

The Commission instructed the staff to come back to the Commission with proposed language that would allow beer and wine to be sold throughout the Town, but keep the restriction on distilled spirits to the area described in the current Charter.

The Commission asked Andy Siegel, attorney, to present an overview of alcoholic beverage regulation in Texas. There was some discussion regarding the prohibition of the sale of alcoholic beverages within 300 feet of residential areas. The Commission asked staff to clarify this statement.

Section 11.15. Publicity of records. The Commission recommended the paragraph be revised to read as follows:

Town records and accounts which are required by **Texas Law** to be open to the public shall be made available during normal business hours in accordance with the terms and provisions of that statute. The records may be examined and copied in the Town offices during normal business hours, at a nominal charge established by ordinance.

Section 11.22. Acquisition of land for park purposes. The Commission asked the City Attorney to clarify whether, under the terms of this section, the Town is prohibited from leasing park property to other parties, or allowing other parties to use land through a license agreement.

Section 11.26. Disaster clause. The Commission asked the City Attorney to look at this section and suggest some possible modifications to streamline the Town's ability to get a new governing body in place in the event of a disaster.

There being no further business before the Commission, the meeting was adjourned.

To: Addison Charter Review Commission

2/28/2010

From: Jimmy Niemann

Re: Thoughts on Article 11.04 – Restriction of sales alcohol beverages

My name is Jimmy Niemann. I served two years on Addison's Planning and Zoning Commission and another 6 years on the City Council, having been term-limited out in May, 2009.

During my tenure, some people expressed a desire to expand beer and wine sales beyond the Inwood Road limits into other parts of town. After probing the issue, they seemed to want to allow beer and wine sales in existing big box retailers (Tom Thumb, Sam's, Krogers, Target, etc.) and potential new big box retailers (Eatzi's, etc.), *but not to allow beer and wine sales in convenience store or gas stations.*

Whenever this topic comes up, I want people to understand a potential personal conflict of interest. My father was (before he passed away in 1992) and my brother is currently the legal counsel for the Texas Package Store Association (TPSA), the trade association for retail package stores in Texas. While that relationship does not influence my words, it might appear so to some people.

As many of you know, alcohol regulation in Texas is complex. Particularly so in Addison, since we became wet in the 1970s and enjoy a 'grand-fathered' position in the Texas Alcohol Beverage Code.

I encourage you to try to determine what the citizens might desire in terms of alcohol regulation; then ask the attorneys to see if it is feasible to draft charter language to accomplish those goals. Then, closely examine the potential downside if challenges arise.

Realize that there are typically two areas of alcohol regulation; a) liquor by the drink in restaurants, and b) alcohol sales for 'off premises consumption'.

What follows are comments concerning sales for off premises consumption.

What I do **NOT** want to see is:

- 1) beer and wine sales in convenience stores and gas stations
- 2) hard liquor sales everywhere in Addison
- 3) hard liquor sales prohibited where they are currently allowed

Due to the complexity of the laws, I fear that any change to our charter language concerning alcohol sales would make all three of the above entirely likely and would ultimately end up being decided by the courts, not the citizens of Addison.

Please tread carefully as you consider recommending changes to our charter concerning this matter.

Thanks for your consideration and please let me know if there is anything I can do to further your work.



Jimmy Niemann



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

Find us on
Facebook

► En Español ► Search

Go

[Home](#) [About Us](#) [Publications](#) [Forms](#) [Employment](#) [Contact Us](#) [FAQ](#) [Public Inquiry](#)

[Press Releases](#) [Mission and Vision](#) [Commission Meetings](#) [Site Map](#)

You are in: [About Us](#) > [History](#)

[Complain About a Location that Sells Alcohol](#)

[Laws, Rules and Regulations](#)

[Enforcement Efforts](#)

[Marketing Practices](#)

[Licensing](#)

[Credit Law / Delinquent List](#)

[Excise Taxes](#)

[Label / Product Approval](#)

[Seller Training / TABC Certification](#)

[Personal Importation / Ports of Entry](#)

[Education / Prevention Programs](#)

[Grants / Funding](#)

[Public Information / Open Records Requests](#)

[Local Option Elections / Wet-Dry Areas](#)

[External Links](#)

[Doing Business with TABC](#)

[Report Fraud, Waste, or Abuse](#)
1-800-TX-AUDIT



Historical Perspective

The Texas Alcoholic Beverage Commission (formerly the Texas Liquor Control Board) was created in 1935.

Under the Alcoholic Beverage Code, the TABC "shall inspect, supervise and regulate every phase of the business of manufacturing, importing, exporting, transporting, storing, selling, advertising, labeling and distributing alcoholic beverages, and the possession of alcoholic beverages for the purpose of sale or otherwise."

"This code is an exercise of the police power of the state for the protection of the welfare, health, peace, temperance and safety of the people of the state. It shall be liberally construed to accomplish this purpose."

In 2007, following a recommendation by the Sunset Commission, the following was added to the agency's mission in the Alcoholic Beverage Code: "The commission shall:

1. protect the public safety by deterring and detecting violations of this code;
2. promote legal and responsible alcohol consumption;
3. ensure fair competition within the alcoholic beverage industry;
4. ensure consistent, predictable, and timely enforcement of this code;
5. ensure a consistent, predictable, and timely licensing and permitting process;
6. promote and foster voluntary compliance with this code; and
7. communicate the requirements of this code clearly and consistently."

★ Prohibition

In 1918, the Texas Legislature ratified the 18th Amendment to the United States Constitution and immediately passed new

[70th Anniversary: 1935-2005](#)

[Photos](#)

[The Organization](#)

[History](#)

[Tribute to Fallen Agents](#)

[Making a Difference](#)

[Called to Duty](#)

[Office of Professional Responsibility \(Internal Affairs\)](#)

★ Creation of the Agency

When the 21st Amendment to the U.S. Constitution repealed national prohibition, it delegated responsibility for regulation of the alcoholic beverage industry to the individual states. This is probably the only remaining right guaranteed more or less exclusively to the states.

Shortly after the adoption of the 21st Amendment, the Texas Legislature, meeting in special session, enacted the Texas Liquor Control Act that created the Texas Liquor Control Board. The LCB, as it came to be commonly known, began its existence on November 16, 1935, charged with the administration of the new act. The name of the agency was changed January 1, 1970, to the Texas Alcoholic Beverage Commission and, on September 1, 1977, the recodified Texas Liquor Control Act took effect as the Texas Alcoholic Beverage Code.

The Alcoholic Beverage Code authorizes the Texas Alcoholic Beverage Commission to:

- Grant, refuse, suspend, or cancel permits and licenses in all phases of the alcoholic beverage industry;
- Supervise, inspect, and regulate the manufacturing, importation, exportation, transportation, sale, storage, distribution, and possession of alcoholic beverages;
- Assess and collect fees and taxes;
- Investigate for violations of the Alcoholic Beverage Code and assist in the prosecution of violators;
- Seize illicit beverages;
- Adopt standards of quality and approve labels and size of containers for all alcoholic beverages sold in Texas;
- Pass rules to assist the agency in all of the above.

★ Liquor by the Drink

After several attempts, the Texas Legislature responded in 1971 to a public referendum by creating a mixed beverage permit that allowed sales of liquor by the drink in those areas specifically authorized by local option election. With the new permit came the mixed beverage gross receipts tax:

a tax at the rate of 10 percent... imposed on the gross receipts of a permittee from the sale, preparation, or service of mixed beverages or from the sale, preparation, or service of ice or nonalcoholic beverages that are sold, prepared, or served for the purpose of being mixed with alcoholic beverages and consumed on the premises of the permittee.

The new permit met with immediate acceptance, and the new tax quickly became a major revenue generator for the state. In 1985, the tax rate was increased to 12 percent and increased again in 1989 to 14 percent. For fiscal year 1993, gross receipts tax and penalty collections amounted to \$244.7 million, more than half of the total revenue collected by the agency.

6. Ensure licensees have access to online license application, renewal, and fee payment.
7. Require establishments that serve alcohol to post signs warning the public of the risks of drinking alcohol during pregnancy.
8. Expand TABC's authority to take enforcement action against establishments that sell or serve alcohol during prohibited hours.

[Back to top](#)

[Home](#) [About Us](#) [Publications](#) [Forms](#) [Employment](#) [Contact Us](#) [FAQ](#)

[Compact with Texans](#) [Site Policies](#) [Accessibility](#) [Disclaimer](#) [Texas Home Page](#) [Texas Homeland Security](#) [Viewing Files](#) [State Wide Search](#)

Copyright © 2010 Texas Alcoholic Beverage Commission - All rights reserved.

Last Updated Monday, March 1, 2010

permittees and private club registration permittees as well as to the general public. Adequate protection is deemed to be provided by controlling those sources of supply for distilled spirits and fortified wines.

(h) It is also the public policy of this state and a purpose of this section to enforce strict cash and credit laws as a means of preventing those engaged in the distribution of alcoholic beverages from exerting undue influence over any level of the industry selling or serving alcoholic beverages to the ultimate consumer.

(i) It is also the public policy of this state and a purpose of this section to maintain and enforce the three-tier system (strict separation between the manufacturing, wholesaling, and retailing levels of the industry) and thereby to prevent the creation or maintenance of a "tied house" as described and prohibited in Section 102.01 of this code.

(j) The above-stated public policies, purposes of this section, and legislative findings are provided as guidelines for the construction of the following subsections of this section.

(k) A requirement under this code that 51 percent or more of the stock of a corporation be owned by a person or persons who were citizens of this state for a one-year period preceding the date of the filing of an application for a license or permit does not apply to a corporation organized under the laws of this state that applies for a license or permit under Chapters 25-34, Chapter 44, Chapters 48-51, Chapters 69-72, or Chapter 74 of this code if:

(1) all of the officers and a majority of directors of the applicant corporation have resided within the state for a one-year period preceding the date of the application and each officer or director possesses the qualifications required of other applicants for permits and licenses;

(2) the applicant corporation and the applicant's shareholders have no direct or indirect ownership or other prohibited relationship with others engaged in the alcoholic beverage industry at different levels as provided by Chapter 102 of this code and other provisions of this code;

(3) the applicant corporation is not precluded by law, rule, charter, or corporate bylaw from disclosing the applicant's shareholders to the commission; and

(4) the applicant corporation maintains its books and records relating to its alcoholic beverage operations in the state at its registered office or at a location in the state approved in writing by the commission.

(l) Corporations subject to Subsection (k) of this section that have substantially similar ownership may merge or consolidate. A fee of \$100 shall be paid to the commission for each licensed or permitted premises that is merged or consolidated into the surviving corporation. The surviving corporation succeeds to all privileges of the prior corporation that held the permits or licenses if the surviving corporation is qualified to hold the permits or licenses under this code. The purposes of this subsection, corporations have substantially similar ownership if 90 percent or more of the corporations is owned by the same person or persons or by the same corporation or corporations or if the surviving corporation has maintained an ownership interest in the merged or consolidated corporations since the date the original permit or license was issued.

TEXAS Alcoholic Beverage Code

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Sec. 109.32. MUNICIPAL AND COUNTY REGULATION OF BEER. (a) An incorporated city or town by charter or ordinance may:

- (1) prohibit the sale of beer in a residential area; and
- (2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL. (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

- (1) 300 feet of a church, public or private school, or public hospital;
- (2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

NOTE: Section 38.007, Education Code. Alcohol-free School Zones reads as follows:

(a) The board of trustees of a school district shall prohibit the use of alcoholic beverages at a school-related or school-sanctioned activity on or off school property.

(b) The board of trustees of a school district shall attempt to provide a safe alcohol-free environment to students coming to or going from school. The board of trustees may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide this environment and in enforcing Sections 101.75, 109.33, and 109.59, Alcoholic Beverage Code. Additionally, the board, if a majority of the area of a district is located in a municipality of a population of 900,000 or more, may petition the commissioners court of the county in which the district is located or the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code.

- (3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(2) has more than 100 students enrolled and attending courses at a single location.

Sec. 109.331. SALES NEAR DAY-CARE CENTER OR CHILD-CARE FACILITY.

(a) This section applies only to a permit or license holder under Chapter 25, 28, 32, 69, or 74 who does not hold a food and beverage certificate.

(b) Except as provided by this subsection, the provisions of Section 109.33 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section 42.002, Human Resources Code. Sections 109.33(a)(2) and (c) do not apply to a day-care center or child-care facility.

(c) This section does not apply to a permit or license holder who sells alcoholic beverages if:

(1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or

(2) the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.

(d) This section does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by Section 42.002, Human Resources Code.

Sec. 109.35. ORDERS FOR PROHIBITION ON CONSUMPTION. (a) If the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, the governing body may petition for the adoption of an order by the commission that prohibits the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) If a municipality submits a petition for an order of the commission to prohibit the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city and attaches to the petition a map, plat, or diagram showing the central business district that is to be covered by the prohibition, the commission shall approve and issue the order without further consideration unless the commission finds that the map, plat, or diagram improperly identifies the central business district.

(c) The commission's order may not prohibit the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the municipality, residential structures, or licensed premises located in the area of prohibition.

(d) In this section, "central business district" means a compact and contiguous geographical area of a municipality in which at least 90 percent of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted.

(e) In this section, "open container" means a container that is no longer sealed.

Sec. 109.36. CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR HOMELESS SHELTER OR SUBSTANCE ABUSE TREATMENT CENTER. (a) In this section:

(1) "Central business district" means a compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.

(2) "Homeless shelter" means a supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

(3) "Open container" has the meaning assigned by Section 109.35.

(b) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city

DMN 3/1/2010

NEW LOCAL ECONOMIC SNAPSHOT | CONSUMER PRICES

Pump prices push up local CPI

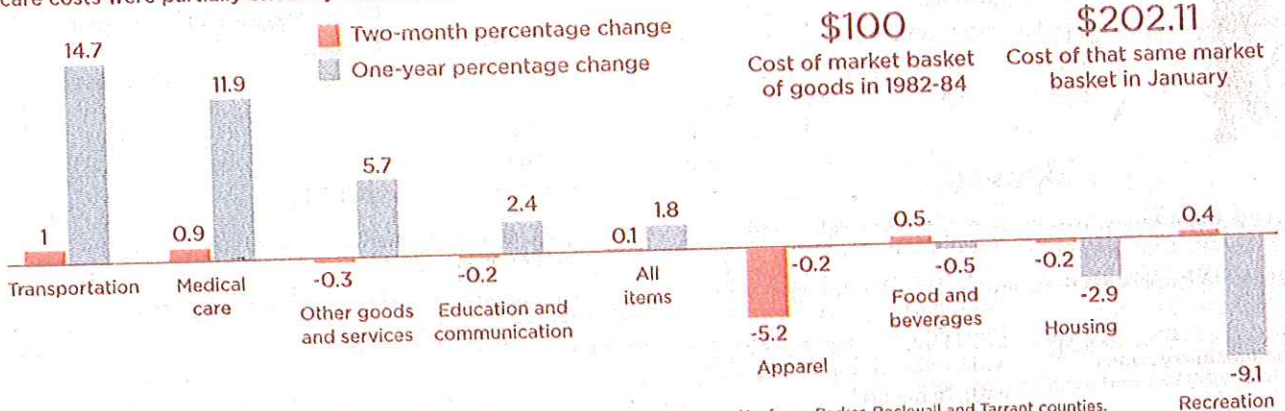
By KAREN ROBINSON-JACOBS
Staff Writer
krobinson@dallasnews.com

TROY OXFORD
Staff Artist
toxford@dallasnews.com

There's a key culprit behind Dallas-Fort Worth's rise in consumer prices. Blame it on a nearly 54 percent leap in gasoline prices in the last year. Still, gas prices remain below the painful \$4 a gallon seen in July 2008. Overall, consumers paid about 2 percent more for goods and services in the year that ended in January.

Dallas-Fort Worth Consumer Price Index

Prices in the 12-county Dallas-Fort Worth metropolitan area rose 1.8 percent in the last year. Spikes in transportation and medical care costs were partially offset by declines in recreation and housing. Prices rose only 0.1 percent in the last two months.



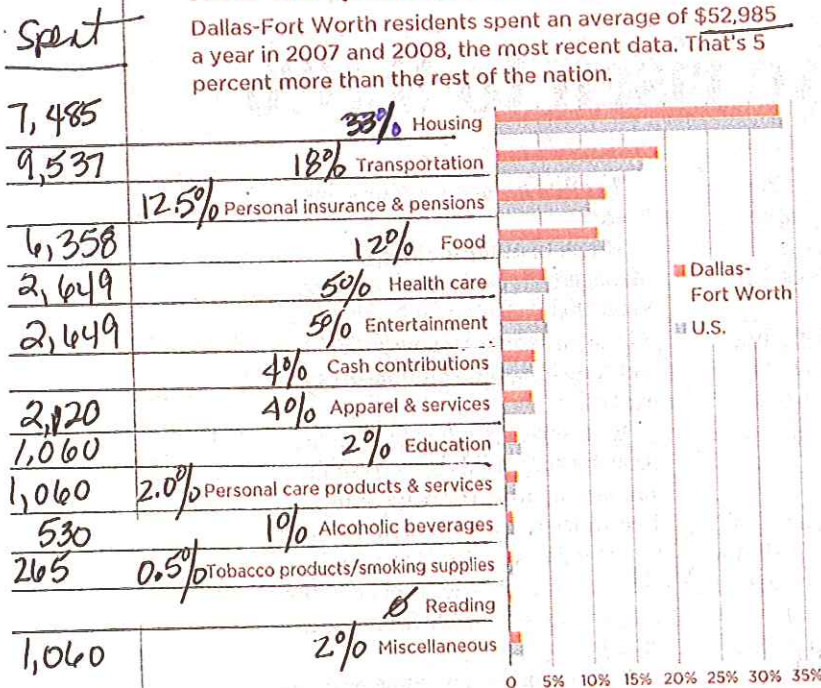
\$100
Cost of market basket of goods in 1982-84

\$202.11
Cost of that same market basket in January

Note: Metropolitan area includes Collin, Dallas, Denton, Ellis, Henderson, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall and Tarrant counties.
SOURCE: U.S. Bureau of Labor Statistics

How we spend our money

Dallas-Fort Worth residents spent an average of \$52,985 a year in 2007 and 2008, the most recent data. That's 5 percent more than the rest of the nation.



SOURCE: U.S. Bureau of Labor Statistics

How we compare

It cost less to live in Dallas-Fort Worth in 2009 than it did in other big U.S. cities. Dallas' housing costs are nearly 30 percent below the national average.

| Rank | | Index score* | Groceries | Housing | Utilities |
|-----------------------------------|----------------------|--------------|-----------|---------|-----------|
| Five most expensive cities | | | | | |
| 1 | New York (Manhattan) | 217.2 | 145.9 | 399.5 | 156.8 |
| 2 | New York (Brooklyn) | 177.8 | 128.7 | 312.5 | 154.4 |
| 3 | Honolulu | 166.3 | 157.6 | 248.8 | 139.9 |
| 4 | San Francisco | 162.9 | 118.6 | 273.0 | 92.4 |
| 5 | New York (Queens) | 157.2 | 125.9 | 227.0 | 159.1 |
| Five other big cities | | | | | |
| 11 | Los Angeles | 141.6 | 107.6 | 229.1 | 90.7 |
| 46 | Chicago | 113.2 | 104.4 | 131.5 | 114.3 |
| 75 | Denver | 102.9 | 101.4 | 107.4 | 99.3 |
| 107 | Phoenix | 98.4 | 105.6 | 94.6 | 88.5 |
| 179 | Atlanta | 94.2 | 100.6 | 88.6 | 82.5 |
| Five Texas cities | | | | | |
| 136 | Austin | 96.5 | 91.8 | 84.2 | 90.3 |
| 172 | Arlington | 94.6 | 95.4 | 77.6 | 110.0 |
| 174 | Plano | 94.4 | 99.9 | 81.1 | 106.7 |
| 225 | Dallas | 92.1 | 96.1 | 71.2 | 107.9 |
| 248 | Fort Worth | 90.7 | 92.7 | 75.7 | 103.4 |

* Index is based on a national average of 100.

SOURCE: ACCRA Cost of Living Index comparing 322 U.S. communities

MEMORANDUM

February 23, 2010

TO: Susan Hayes, Member of the Charter Review Commission
FROM: Carmen Moran, Director of Development Services
SUBJECT: Responses to questions

Please find our responses to your questions below:

1. What is the current population of the Town of Addison

13,409

If data is available that breaks this down by geographic area (Addison Circle, Oaks North, etc.) that would be of interest as well, if easily available

There is not data available that breaks the population down by neighborhood. We know the number of housing types in the city, but not the number of residents in each unit:

| | |
|----------------|---------------------------------------|
| Single Family: | 1,400 units |
| Townhome/Condo | 680 units |
| Multi-Family: | 5,688 units (not including Vitruvian) |

What is the estimated population of Vitruvian to be once entire project is completed?

If Vitruvian built out at the maximum density allowed, it would finish out at about 5,000 units. However, projects of this type typically don't build out to the maximum. For example, Addison Circle was planned to develop out at 3,500 units, and it built out at around 2,200. The North Central Texas Council of Governments uses a standard of 1.5 persons per multi-family unit to estimate population, so at 4,000 units, Vitruvian would add 6,000 residents.

2. How many people work in Addison? i.e. what is estimated population that commutes into Addison during the week, M-F to a job.

We don't have an accurate number, but we estimate around 50,000 people per day working and dining in and immediately around Addison, and 100,000 total people per day in the Tollway corridor between 635 and 190.

3. Can someone prepare a one page comparative graph (in line or bar format) showing sales tax revenue in 000's dollars each year for the past 10 years? If you can identify how much tax revenue is derived from alcohol sales (as a percentage and/or dollar figure of the total collected each year), that should be noted for each year as well.

Information from Randy Moravec, Director of Finance, is attached.

4. For as long as records have been kept, in what year did the Town of Addison collect its highest sales tax revenue?

Information from Randy Moravec, Director of Finance, is attached.

5. In the last 10 years, and including 2009, how many times has the Town of Addison had to increase residential property taxes? Please list year and rate increase. If Town has cut residential property taxes in any of the last 10 years, please list the year and amount of rate decrease.

Information from Randy Moravec, Director of Finance, is attached.

6. Is the old Service Merchandise building by La Madeline still vacant?

No. It is occupied by Smart Learning, a market research company, which moved in approximately 2 years ago. I am not sure how long it was vacant, but there was a parking problem unique to that building that hurt its ability to re-lease.

Service Merchandise displayed merchandise on only the first floor and used the second floor for its warehouse. Therefore, the parking for the first floor was figured at 1/200 square feet, while the second floor was figured at 1/1,000 square feet. When Service Merchandise was open, the managers of the center took advantage of that and located several restaurants within the center that ate up parking at a 1/100 ratio. Once Service Merchandise closed, there was not sufficient parking in the center to lease the entire building to a 1/200 retailer. The City would have worked with them on the parking, but no tenants were willing to go into a 2-story building (already a challenge) that was short required parking.

7. How does the Town of Addison regulate sexually oriented businesses?

Through a Sexually Oriented Business ordinance. Sexually Oriented Businesses (SOBs) are not regulated by the Charter. Sexually Oriented Businesses are only an allowed use in Commercial-2 zoning, and must have a license. A copy of the licensing ordinance is attached.

8. Traffic questions:

- A. How many cars a day travel along Belt Line Road (M-F)?
- B. How many cars a day travel along Belt Line Road (S&S)?
- C. How many cars a day travel along Arapaho Road (M-F)?
- D. How many cars a day travel along Arapaho Road (S&S)?

The last traffic counts we have were taken in 2006. We typically take counts on a week day because it gives us a better idea of peak traffic volume, which is what we need in order to plan for maintenance. We do not take counts on Saturday or Sunday except in a special situation.

Traffic counts are segmented because our streets are made up of short, over-lapping trips. For example, someone may drive on Belt Line from Marsh to Midway, or from Tollway to Inwood, but not travel the entire length of the street.

The 2006 counts indicated the busiest stretch of Belt Line was between Quorum Drive and Dallas Parkway, which carried 55,085 over a 24 hour period. Arapaho Road had its highest volume of traffic between Quorum Drive and Dallas Parkway, and it carried 21,642 over a 24-hour period.

Town of Addison, Texas**Information Derived from 2009 Comprehensive Annual Financial Report**

SUMMARY OF SELECTED TAX REVENUES AND FRANCHISE FEES

Last Ten Fiscal Years

| <u>Fiscal Year</u> | <u>1% Town Sales Tax</u> | <u>Mixed Drink Taxes</u> | <u>Property Taxes</u> | | |
|--------------------|------------------------------|----------------------------------|-------------------------|-----------------|-----------------|
| | | | <u>Appraised Values</u> | <u>Tax Rate</u> | <u>Tax Levy</u> |
| 2000 | \$10,056,019 | \$685,830 | \$2,773,661,606 | \$ 0.3846 | \$10,667,502 |
| 2001 | 9,801,182 | 717,291 | 3,098,316,865 | 0.3810 | 11,804,587 |
| 2002 | 9,020,793 | 701,552 | 3,194,695,630 | 0.3848 | 12,293,190 |
| 2003 | 8,971,759 | 724,520 | 3,086,902,998 | 0.3999 | 12,344,525 |
| 2004 | 9,303,529 | 892,560 | 2,886,241,914 | 0.4228 | 12,203,031 |
| 2005 | 9,663,892 | 892,196 | 2,696,490,357 | 0.4760 | 12,835,294 |
| 2006 | 9,941,386 | 966,366 | 2,793,374,452 | 0.4760 | 13,296,460 |
| 2007 | 10,508,257 | 1,007,699 | 3,029,605,434 | 0.4640 | 14,057,369 |
| 2008 | 10,649,989 | 987,289 | 3,481,842,177 | 0.4337 | 15,100,750 |
| 2009 | 9,584,496 | 936,034 | 3,724,826,923 | 0.4535 | 16,892,090 |

ARTICLE IV. SEXUALLY ORIENTED BUSINESSES*

*State law references: Authority to regulate sexually oriented businesses, V.T.C.A., Local Government Code § 243.003.

DIVISION 1. GENERALLY

Sec. 22-131. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore or *adult video store* means a commercial establishment which as one of its principal business purposes openly advertises, displays or offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult cabaret means a dance hall, nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in either a state of nudity or a state of seminudity, or a state of simulated nudity;
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Dance, drama, opera, musical, lingerie modeling, or other similar live performances presented to the public and which are advertised either on or off the premises as:
 - a. Topless;
 - b. Adult entertainment;
 - c. X-rated;
 - d. Nude;

- e. Seminude; or
- f. By other terms calculated to attract patrons with nudity, or seminudity.

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment which, as one of its principal business purposes, regularly shows for any form of consideration films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, simulated nudity and/or seminudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Church means a regular place of religious worship.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to offer to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

Nude model studio means any place where a person, who appears in a state of nudity, simulated nudity and/or seminudity, or displays specified anatomical areas, is provided, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a *state of nudity* means:

- (1) The appearance of bare human genitals, pubic region, buttocks, anus, female breast; or
- (2) A state of dress which fails to opaquely cover human genitals, buttocks, pubic region, anus, or areola or the female breast.

Operates or causes to be operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, employee, independent contractor, agent or licensee of the business.

Permittee means a person in whose name a permit to operate a sexually oriented business has been issued, as well as any individual listed as an applicant on the application for a permit, and each person who must sign the application.

Principal business purpose means any business activity which accounts for 15 percent or more of any one of the following:

- (1) Gross revenues of the business;
- (2) Floor area of the business; or
- (3) Inventory.

Residential district means a single-family, duplex, townhouse, multiple-family or mobile home zoning district, located within the town or located within the boundaries of any municipality which adjoins the boundaries of the town.

Residential use means a single-family, duplex, multiple-family, or mobile home park, mobile home subdivision, and campground use.

School means any public or private nursery, preschool, day care center, learning center, elementary or secondary school.

Seminude or *state of seminudity* mean a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Simulated nudity or *state of simulated nudity* means a state of dress in which any device or covering, exposed to view, is worn which simulates any portion of the genitals, buttocks, or pubic region or areola of the female breast.

Specified anatomical areas means human genitalia.

Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Substantial enlargement of sexually oriented business means the increase in floor area

occupied by the business by more than 24 percent, as the floor area exists on the date of passage of the ordinance from which this article is derived.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Code 1982, § 13.5-2)

Cross references: Definitions generally, § 1-2.

Sec. 22-132. Purpose and intent.

(a) It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the town. The provisions of this article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or the effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(b) It is the intent of the city council that the locational regulations of section 22-177 are promulgated pursuant to V.T.C.A., Local Government Code ch. 243. It is the intent of the city council that all other provisions of this article are promulgated pursuant to the town Charter and V.T.C.A., Local Government Code §§ 51.072, 54.004 and 215.075.

(Code 1982, § 13.5-1)

Sec. 22-133. Defense to prosecution.

(a) It is a defense to prosecution under sections 22-151 and 22-177 and subsection 22-178(d) that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school licensed by the state; a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferrable to a college junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

(b) It is a defense to prosecution under sections 22-151 and 22-177 that each item of descriptive printed film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political or scientific value.

(Code 1982, § 13.5-41(c), (d))

Sec. 22-134. Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theatres;
- (6) Adult theatres;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

(Code 1982, § 13.5-3)

Secs. 22-135--22-150. Reserved.

DIVISION 2. PERMIT

Sec. 22-151. Required.

A person commits an offense if he operates a sexually oriented business without a valid permit, issued by the town for the particular type of business.

(Code 1982, § 13.5-11(a))

State law references: Authority to require permit, V.T.C.A., Local Government Code § 243.007(a).

Sec. 22-152. Application; contents.

(a) An application for a sexually oriented business permit must be made on a form provided by the chief of police. The application form shall be sworn to and shall:

- (1) Include the name and address of the applicant.
- (2) State whether or not the applicant meets each of the requirements set forth in section 22-153.
- (3) Include the name and address of each person required to sign the application pursuant to subsection (d) of this section, and the name, address and type of entity of each entity required to sign the application pursuant to subsection (d) of this section,

and, as to each entity which is required to sign the application, the name and address of each person or entity which owns an interest in each such entity.

(4) Include the name and address of each employee, agent and independent contractor of the sexually oriented business;

(5) Include such other matters, consistent with this article, as may be specified in the application form, including, without limitation, driver's license numbers, dates of birth and identifying photographs of each person required to be identified in the application.

(b) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(c) The applicant must be qualified according to the provisions of this article.

(d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who directly or indirectly through one or more intermediaries owns or controls a 20 percent or greater interest in the business must sign the application for a permit as applicant. Each applicant must be qualified under section 22-153 and each applicant shall be considered a permittee if a permit is granted.

(Code 1982, § 13.5-11(b)--(d))

Sec. 22-153. Issuance.

(a) The chief of police shall approve the issuance of a sexually oriented business permit to an applicant within 30 days after receipt of an application unless the chief of police finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in payment to the town of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this article within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(5) An applicant is residing with a person who has been denied a permit by the town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding 12 months.

(6) The permit fee required by this article has not been paid.

(7) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(8) An applicant or the proposed establishment is in violation of or is not in compliance

- (3) A boundary of a residential district;
- (4) A public park adjacent to a residential district; or
- (5) The property line of a lot devoted to a residential use.

These locational provisions apply whether or not the church, school, boundary of a residential district, public park adjacent to a residential district, or property line of a lot devoted to a residential use is located within or outside the town.

(b) A person commits an offense if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(c) A person commits an offense if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or he increases the floor area of any sexually oriented business in any building structure, or portion thereof, to contain another sexually oriented business.

(d) For the purposes of subsection (a) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, residential district, or residential lot.

(e) For purposes of subsection (b) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, school, public park, residential district, or residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(g) Subsections (b) and (f) of this section shall apply to any sexually oriented business located within the town, whether or not the measurement of the 1,000 feet is made wholly within the boundaries of the town, or includes within such 1,000 feet area within the boundaries of any municipality adjoining the boundaries of the town.

(h) A sexually oriented business shall be located or operated only where such use is provided by and is in accordance with the town's zoning ordinance.

(Code 1982, § 13.5-26(a)--(e), (g)--(i))

State law references: Location restrictions authorized, V.T.C.A., Local Government Code § 243.006.

Sec. 22-178. Exemption from location restrictions.

(a) If the chief of police denies the issuance of a permit under this article to an applicant because the location of the sexually oriented business is in violation of section 22-177, then the applicant may, not later than ten calendar days after the mailing of the notice of the denial, file with the town a written request for any exemption from the locational restrictions of section 22-177.

(b) If the written request is filed with the city secretary within the ten-day limit, the city council shall consider the request. The city secretary shall set a date for the hearing within 60 days from

the date the written request is received.

(c) The city council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

(d) The city council may, in its discretion, grant an exemption from the locational restrictions of section 22-177 if it makes the following findings:

(1) The location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

(2) The granting of the exemption will not violate the spirit and intent of this article;

(3) The location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;

(4) The location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation or interfere with any efforts of urban renewal or restoration; and

(5) All other applicable provisions of this article will be observed.

(e) The city council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the city council is final.

(f) If the city council grants the exemption, the exemption is valid for one year from the date of the council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the locational restrictions of section 22-177 until the applicant applies for and receives another exemption.

(g) If the city council denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the council's action.

(h) The grant of an exemption does not exempt the applicant from any other provisions of this article other than the locational restrictions of section 22-177.

(Code 1982, § 13.5-27)

Sec. 22-179. Escort agencies.

(a) An escort agency shall not employ any person under the age of 21 years.

(b) A person commits an offense if he acts as an escort or agrees to act as an escort for any person under the age of 21 years.

(Code 1982, § 13.5-36)

Sec. 22-180. Nude model studios.

(a) A nude model studio shall not employ any person under the age of 21 years.

(b) A person under the age of 21 years commits an offense if he appears in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 21 years was in a restroom not open to public view or persons of the opposite sex.

(c) A person commits an offense if he appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed

from the public right-of-way.

(d) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(Code 1982, § 13.5-37)

Sec. 22-181. Adult theaters and adult motion picture theaters.

(a) A person commits an offense if he knowingly allows a person under the age of 21 years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(b) A person under the age of 21 years commits an offense if he knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(c) It is a defense to prosecution under subsections (a) and (b) of this section if the person under 21 years was in a restroom not open to public view or persons of the opposite sex.

(Code 1982, § 13.5-38)

Sec. 22-182. Adult motels.

(a) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel.

(b) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented to such person, he rents or subrents the same sleeping room again to another different person.

(c) For purposes of subsection (b) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Code 1982, § 13.5-39)

Sec. 22-183. Exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated a sexually oriented business other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The chief of police may waive the foregoing diagram for renewal

applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the chief of police.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owners and the operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (a)(5) of this section remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in application filed pursuant to subsection (a)(1) of this section.

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.

(8) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described in subsection (a)(7) of this section is maintained at all times that any patron is present in the premises.

(b) A person having a duty under subsections (a)(1) through (a)(8) of this section commits an offense if he knowingly fails to fulfill that duty.

(Code 1982, § 13.5-40)

Secs. 22-184--22-200. Reserved.

with sections 22-156, 22-176, 22-177, 22-179, 22-180, 22-181, 22-182 or 22-183.

(9) The proposed location for the sexually oriented business is not provided by or is not in accordance with the town's zoning ordinance for such use.

(10) An applicant or an applicant's spouse has been convicted of a crime:

a. Involving:

1. Any of the following offenses as described in V.T.C.A., Penal Code ch. 43:

- i. Prostitution;
- ii. Promotion of prostitution;
- iii. Aggravated promotion of prostitution;
- iv. Compelling prostitution;
- v. Obscenity;
- vi. Sale, distribution, or display of harmful material to a minor;
- vii. Sexual performance by a child;
- viii. Possession of child pornography;

2. Any of the following offenses as described in V.T.C.A., Penal Code ch. 21:

- i. Public lewdness;
- ii. Indecent exposure;
- iii. Indecency with a child;

3. Sexual assault or aggravated sexual assault as described in V.T.C.A., Penal Code ch. 22;

4. Incest, solicitation of a child, or harboring a runaway child as described in V.T.C.A., Penal Code ch. 25; or

5. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses described in this subsection (a)(10)a of this section.

b. For which:

1. Less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2. Less than ten years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3. Less than ten years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of two or more felony or misdemeanor offenses, occurring within any 36-month period.

(b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(c) An applicant who has been convicted or whose spouse has been convicted of an offense

listed in subsection (a)(10) of this section may qualify for a sexually oriented business permit only when the time period required by subsection (a)(10)b of this section has elapsed.

(d) The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(Code 1982, § 13.5-12)

State law references: Authority to deny permit, V.T.C.A., Local Government Code § 243.007(b); denial, suspension or revocation of business licenses, Vernon's Ann. Civ. St. arts. 6252-13c, 6252-13d.

Sec. 22-154. Fees.

The annual fee for a sexually oriented business permit is \$500.00.

(Code 1982, § 13.5-13)

Sec. 22-155. Expiration.

(a) Each sexually oriented business permit shall expire one year from the date of issuance and may be renewed only by making application as provided in section 22-152. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected.

(b) When the chief of police denies renewal of a sexually oriented business permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the chief of police finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date denial became final.

(Code 1982, § 13.5-15)

Sec. 22-156. Transfer.

A permittee under this division shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

(Code 1982, § 13.5-19)

Sec. 22-157. Suspension.

The chief of police shall suspend a sexually oriented business permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee has engaged in any one of the following activities and/or occurrences:

(1) Has violated or is not in compliance with any one of the following sections: 22-156, 22-176, 22-177, 22-179, 22-180, 22-181, 22-182 or 22-183.

(2) Has been "legally intoxicated" as such term is defined by the laws of the state pertaining to driving while intoxicated, while on the sexually oriented business premises.

(3) Has refused to allow an inspection of the sexually oriented business premises as authorized by this article.

(4) Has knowingly permitted gambling by any person on the sexually oriented business premises.

(Code 1982, § 13.5-16)

State law references: Authority to suspend permit, V.T.C.A., Local Government Code § 243.007(b); denial, suspension or revocation of business licenses, Vernon's Ann. Civ. St. arts. 6252-13c, 6252-13d.

Sec. 22-158. Revocation.

(a) The chief of police shall revoke a sexually oriented business permit if a cause of suspension in section 22-157 occurs after the permit has previously been suspended and within 12 months following the date of such previous suspension.

(b) The chief of police shall revoke a permit if he determines that any one of the following situations, activities, or events has occurred:

(1) A permittee gave false or misleading information in the material submitted to the chief of police during the application process;

(2) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;

(3) A permittee or an employee has knowingly allowed prostitution on the premises;

(4) A permittee or an employee operated the sexually oriented business during a period of time when the permittee's permit was suspended;

(5) A permittee has been convicted of an offense listed in subsection 22-153(a)(10)a for which the time period required in subsection 22-153(a)(10)b has not elapsed;

(6) On two or more occasions within a 12-month period, a person committed an offense occurring in or on the permitted premises of a crime listed in subsection 22-153(a)(10)a for which a conviction has been obtained, and the person was an employee of the sexually oriented business at the time the offense was committed;

(7) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the permitted premises. The term "sexual contact" shall have the same meaning as it is defined in V.T.C.A., Penal Code § 21.01; or

(8) A permittee is delinquent in payment to the town for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(d) Subsection (b)(7) of this section does not apply to adult motels as a ground for revoking the permit unless the permittee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(e) When the chief of police revokes a permit, the revocation shall continue for one year and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation became effective. If, subsequent to revocation, the chief of police finds that the basis for the revocation has been corrected or abated, an applicant may be granted a permit if at least

90 days have elapsed since the date the revocation became effective. If the permit was revoked under subsection (b)(5) of this section, an applicant may not be granted another permit until the appropriate number of years required under subsection 22-153(a)(10)b has elapsed.

(Code 1982, § 13.5-17)

State law references: Authority to revoke permit, V.T.C.A., Local Government Code § 243.007(b); denial, suspension or revocation of business licenses, Vernon's Ann. Civ. St. arts. 6252-13c, 6252-13d.

Sec. 22-159. Appeal.

If the chief of police denies the issuance of a sexually oriented business permit or suspends or revokes a permit, the chief of police shall send to one applicant or permittee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved party may, not later than ten days after such notice is mailed, appeal the decision of the chief of police to the city council. The filing of an appeal stays the action of the chief of police in suspending or revoking a permit until the city council makes a final decision. The appeal shall be filed with the city secretary. The city council shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to one applicant or permittee, at his last known address, at least five days prior to the date of the hearing.

(Code 1982, § 13.5-18)

Secs. 22-160--22-175. Reserved.

DIVISION 3. OPERATIONAL RESTRICTIONS AND REQUIREMENTS

Sec. 22-176. Inspection.

(a) An applicant or permittee under this article shall permit representatives of the police department, health department, fire department, and building inspection division to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department at any time it is occupied or open for business.

(c) The provisions of this section do not apply to areas of an adult motel which are, at the time of such inspection, being rented by a customer for use for a period longer than ten hours, and then actually occupied by such customer, unless one-hour notice is provided to such customer.

(Code 1982, § 13.5-14)

Sec. 22-177. Location of sexually oriented businesses.

(a) A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A school;

Texas Alcoholic Beverage Commission

Roster Report

DALLAS, ADDISON, All Zip Codes

Retailers - BF, BQ, P

Active (Current, Suspended)

Lic. #: BF635727

Trade Name: ADDISON CONVENIENCE STORE

Owner: IBJ INCORPORATED

County: DALLAS

Status: Current

Orig. Lic. Date: 08/08/2006

Expiration Date: 08/07/2010

Subordinates:

Lic. #: BF635723

Trade Name: ADDISON WINE & SPIRITS

Owner: IBJ INCORPORATED

County: DALLAS

Status: Current

Orig. Lic. Date: 08/08/2006

Expiration Date: 08/07/2010

Subordinates:

Lic. #: P 635722

Trade Name: ADDISON WINE & SPIRITS

Owner: IBJ INCORPORATED

County: DALLAS

Status: Current

Orig. Lic. Date: 08/08/2006

Expiration Date: 08/07/2010

Subordinates: PS

Lic. #: BF566611

Trade Name: BUCKHORN DISCOUNT LIQUORS

Owner: INWOOD BUCKHORN INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 10/26/2004

Expiration Date: 10/25/2011

Subordinates:

Location Address

14603 INWOOD ROAD

ADDISON, TX 750013746

Phone No.: 972 404-1076

Related To: Q 635726

Wine Percent:

Mailing Address

14603 INWOOD ROAD

ADDISON, TX 750013746

Location Address

14601 INWOOD ROAD

ADDISON, TX 750013746

Phone No.: 9722331593

Related To: P 635722

Wine Percent:

Mailing Address

14601 INWOOD ROAD

ADDISON, TX 750013746

Location Address

14601 INWOOD ROAD

ADDISON, TX 750013746

Phone No.: 972 233-1593

Related To: BF635723

Wine Percent:

Mailing Address

14601 INWOOD ROAD

ADDISON, TX 750013746

Location Address

14825 INWOOD ROAD SUITE 200

ADDISON, TX 75001

Phone No.: 9722336392

Related To: P 566609

Wine Percent:

Mailing Address

14825 INWOOD RD STE '200'

ADDISON, TX 75001

Texas Alcoholic Beverage Commission

Roster Report

DALLAS ADDISON All Zip Codes

Retailers - BF, BQ, P

Active (Current, Suspended)

Lic. #: BQ618599

Trade Name: CJ BEER & FINE WINE

Owner: SAMAN, CONSTANTIN C (ET AL)

County: DALLAS

Status: Current

Orig. Lic. Date: 01/26/2006

Expiration Date: 01/25/2012

Subordinates:

Lic. #: P 251689

Trade Name: GOODY GOODY LIQUOR STORE

Owner: GOODY GOODY LIQUOR INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 12/22/1994

Expiration Date: 07/11/2010

Subordinates: ELP, PS

Lic. #: BF409430

Trade Name: GOODY GOODY LIQUOR STORE

Owner: GOODY GOODY LIQUOR INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 03/24/1997

Expiration Date: 07/11/2010

Subordinates:

Lic. #: BF703643

Trade Name: HI NEIGHBOR FOOD MART

Owner: KIM, NAM CHOL

County: DALLAS

Status: Current

Orig. Lic. Date: 09/16/2008

Expiration Date: 09/15/2011

Subordinates:

Mailing Address
14885 INWOOD ROAD

ADDISON, TX 75001

Wine Percent: 17

Phone No.: 9723864344

Related To:

Mailing Address
10370 OLYMPIC DR

DALLAS, TX 752204411

Wine Percent:

Phone No.: 2147656836

Related To: BF409430

Mailing Address
10370 OLYMPIC DR

DALLAS, TX 752204411

Wine Percent:

Phone No.: 2147656836

Related To: P 251689

Mailing Address
14833 INWOOD RD

ADDISON, TX 750013721

Wine Percent:

Phone No.: 9723864289

Related To: Q 703642

2/12/2010

Texas Alcoholic Beverage Commission Roster Report

DALLAS, ADDISON, All Zip Codes

Retailers - BF, BQ, P

Active (Current, Suspended)

Lic. #: P 255027

Trade Name: SIGEL'S LIQUOR AND FINE WINES

Owner: SIGEL'S BEVERAGES L.P.

County: DALLAS

Status: Current

Orig. Lic. Date: 03/31/1995

Expiration Date: 03/30/2010

Subordinates: LP, PS

Count:

17

Mailing Address
2960 ANODE LN

DALLAS, TX 752201406

Wine Percent:

Location Address
15003 INWOOD ROAD

ADDISON, TX 750013737

Phone No.: 2143501271

Related To: BF306477

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes
Retailers - BF, BQ
Active (Current, Suspended)

Lic. #: BQ570530
Trade Name: 1 STOP FOOD STORE #5
Owner: PAK CONVENIENCE STORE INC.
County: DALLAS
Status: Current
Mailing Address
2101 BROOK MOUNT CT
CARROLLTON, TX 750064764

Phone No.: 9724181290
Related To:
Wine Percent: 17

Lic. #: BQ721127
Trade Name: 3 AMIGOS BEER & WINE
Owner: NN & JA ENTERPRISES INC.
County: DALLAS
Status: Current
Location Address
1927 E BELT LINE ROAD SUITE 140
CARROLLTON, TX 75006
Mailing Address
4316 PURDUE CIR
PLANO, TX 75093

Phone No.: 972 416-9100
Related To:
Wine Percent: 17

Lic. #: BQ741429
Trade Name: 7-ELEVEN CONVENIENCE STORE #25298
Owner: 7-ELEVEN BEVERAGE COMPANY INC. (ET AL)
County: DALLAS
Status: Current
Location Address
1865 E ROSEMEADE PARKWAY
CARROLLTON, TX 75007
Mailing Address
1202 RICHARDSON ST
RICHARDSON, TX 75080

Phone No.: 9724928381
Related To:
Wine Percent: 17

Lic. #: BQ690659
Trade Name: 7-ELEVEN CONVENIENCE STORE #27528
Owner: 7-ELEVEN BEVERAGE COMPANY INC. (ET AL)
County: DALLAS
Status: Current
Location Address
2145 N JOSEY LANE
CARROLLTON, TX 750062992
Mailing Address
1202 RICHARDSON DR STE 400
RICHARDSON, TX 75080

Phone No.: 972 466-1100
Related To:
Wine Percent: 17

Orig. Lic. Date: 04/18/2008
Expiration Date: 04/17/2010
Subordinates:

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ735935

Trade Name: ACCRETION MANAGEMENT, LLC

Owner: ACCRETION MANAGEMENT LLC

County: DENTON

Status: Current

Orig. Lic. Date: 11/03/2009

Expiration Date: 11/02/2011

Subordinates:

Lic. #: BQ726147

Trade Name: B & F JOLLY 1 LP

Owner: B & F JOLLY 1 LP

County: DENTON

Status: Current

Orig. Lic. Date: 07/08/2009

Expiration Date: 07/07/2010

Subordinates:

Lic. #: BQ686651

Trade Name: BAINS BROTHERS PETROLEUM #4

Owner: BAINS BROTHERS LLC

County: DENTON

Status: Current

Orig. Lic. Date: 03/12/2008

Expiration Date: 03/11/2010

Subordinates:

Lic. #: BF721396

Trade Name: BEER AND WINE TO GO

Owner: BELTLINE PLACENTIA LLC

County: DALLAS

Status: Current

Orig. Lic. Date: 05/07/2009

Expiration Date: 05/06/2010

Subordinates:

Mailing Address
4032 MCDERMOTT STE 200

PLANO, TX 750247738

Wine Percent: 17

Phone No.: 214-641-0342

Related To:

Mailing Address
5909 WESTGROVE DR

DALLAS, TX 752482811

Wine Percent: 17

Phone No.:

Related To:

Mailing Address
3600 HUFFINES BLVD

CARROLLTON, TX 750072164

Wine Percent: 17

Phone No.: 972 640-0747

Related To:

Mailing Address
3140 IRONCLAD COURT

SOUTH LAKE, TX 76092

Wine Percent:

Phone No.: 8175044018

Related To: Q 721395

2/11/2010

Texas Alcoholic Beverage Commission

Roster Report

All Counties: CARROLLTON, All Zip Codes

Retailers - BE, BQ

Active (Current, Suspended)

Lic. #: BQ714422
Trade Name: CHEVRON

Mailing Address
800 CREST RIDGE DR

Location Address
2017 W HEBRON PARKWAY

Owner: GHAEEMMAGHAM, HASSAN SEYED
County: DENTON
Status: Current

CARROLLTON, TX 75010

IRVING, TX 75061

Orig. Lic. Date: 02/11/2009
Expiration Date: 02/10/2010
Subordinates:

Phone No.: 469-682-0661
Related To:

Wine Percent: 17

Lic. #: BQ700000
Trade Name: CORNER STORE #1740

Location Address
2146 N JOSEY LANE

Mailing Address
PO BOX 690007

Owner: BIG DIAMOND INC.
County: DALLAS
Status: Current

CARROLLTON, TX 75006

SAN ANTONIO, TX 782690007

Orig. Lic. Date: 08/05/2008
Expiration Date: 08/04/2010
Subordinates:

Phone No.: 9723235194
Related To:

Wine Percent: 17

Lic. #: BQ718640
Trade Name: CVS/PHARMACY #6960

Location Address
2142 N JOSEY LANE

Mailing Address
PO BOX 131098

Owner: E. T. B. INC.
County: DALLAS
Status: Current

CARROLLTON, TX 75006

HOUSTON, TX 772191098

Orig. Lic. Date: 04/01/2009
Expiration Date: 03/31/2010
Subordinates:

Phone No.: 972 446-1915
Related To:

Wine Percent: 17

Lic. #: BQ664882
Trade Name: CVS/PHARMACY #6983

Location Address
3065 N JOSEY LANE SUITE 64

Mailing Address
PO BOX 131098

Owner: E. T. B. INC.
County: DENTON
Status: Current

CARROLLTON, TX 75007

HOUSTON, TX 772181098

Orig. Lic. Date: 07/05/2007
Expiration Date: 07/04/2010
Subordinates:

Phone No.: 9724923070
Related To:

Wine Percent: 17

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes
Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BF714158

Trade Name: FIESTA MART #70

Owner: FIESTA MART INC.
County: DALLAS
Status: Current

Orig. Lic. Date: 02/06/2009
Expiration Date: 02/05/2012
Subordinates:

Wine Percent:

HOUSTON, TX 772487481

CARROLLTON, TX 75006

Mailing Address
PO BOX 7481

Lic. #: BQ648682

Trade Name: FLAMINGO BEER & WINE

Owner: RAJ UNITED INC.
County: DALLAS
Status: Current

Orig. Lic. Date: 01/10/2007
Expiration Date: 01/09/2012
Subordinates:

Wine Percent: 17

CARROLLTON, TX 750067320

Location Address
1107 S JOSEY LANE

Mailing Address
1107 S JOSEY LANE

Lic. #: BQ626409

Trade Name: FLAMINGO BEER WINE BEVERAGES

Owner: RIDA & RAHIL COMPANY
County: DALLAS
Status: Current

Orig. Lic. Date: 04/27/2006
Expiration Date: 04/26/2010
Subordinates:

Wine Percent: 17

Location Address
2810 E TRINITY MILLS SUITE 219

Mailing Address
1800 E BRANCH HOLLOW

CARROLLTON, TX 75007

Lic. #: BQ570029

Trade Name: FRANKFORD CHEVRON

Owner: 3HM ENTERPRISES INC.
County: DENTON
Status: Current

Orig. Lic. Date: 12/13/2004
Expiration Date: 12/12/2011
Subordinates:

Wine Percent: 17

Location Address
1010 W FRANKFORD ROAD

Mailing Address
1010 W FRANKFORD RD

CARROLLTON, TX 75007

Phone No.: 9724928629
Related To:

Texas Alcoholic Beverage Commission

2/11/2010

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ618091

Trade Name: KROGER #460

Owner: HENPIL INC.

County: DENTON

Status: Current

Orig. Lic. Date: 01/19/2006

Expiration Date: 01/18/2012

Subordinates:

Lic. #: BQ643742

Trade Name: LA MICHOACANA MEAT MARKET D#27

Owner: LMMM DALLAS #27 LTD.

County: DALLAS

Status: Current

Orig. Lic. Date: 11/01/2006

Expiration Date: 10/31/2011

Subordinates:

Lic. #: BQ571955

Trade Name: LA TAPATIA MEAT MARKET

Owner: ESPINOZA, JOAQUIN

County: DENTON

Status: Current

Orig. Lic. Date: 01/14/2005

Expiration Date: 01/13/2012

Subordinates:

Lic. #: BQ636221

Trade Name: LONESTAR BEER & WINE

Owner: GLTX CORPORATION

County: DENTON

Status: Current

Orig. Lic. Date: 08/14/2006

Expiration Date: 08/13/2010

Subordinates:

Mailing Address
19245 DAVID MEMORIAL DR

SHENANDOAH, TX 77385

Wine Percent: 17

Mailing Address
8845 LONG POINT RD STE B

HOUSTON, TX 77055

Wine Percent: 17

Mailing Address
3065 N JOSEY LN

CARROLLTON, TX 750075340

Wine Percent: 17

Mailing Address
1124 APACHE LAKE DR

CARROLLTON, TX 750101140

Wine Percent: 17

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Location Address

2201 MARSH LANE

Lic. #: BQ640542

Trade Name: ON THE GO

Owner: SHERMOHMAD, NISHI MEHRUNISSA

County: DALLAS

Status: Current

CARROLLTON, TX 75006

CARROLLTON, TX 75010

Orig. Lic. Date: 09/27/2006

Expiration Date: 09/26/2011

Subordinates:

Phone No.: 2144836449

Related To:

Wine Percent: 17

Lic. #: BQ570799

Trade Name: ONE STOP FOOD STORE

Owner: TAUFIQ, MOHAMMED

County: DENTON

Status: Current

CARROLLTON, TX 750075500

CARROLLTON, TX 750075500

Orig. Lic. Date: 12/20/2004

Expiration Date: 12/19/2011

Subordinates:

Phone No.: 9724929040

Related To:

Wine Percent: 17

Lic. #: BQ706273

Trade Name: PADDY'S SHELL

Owner: GLOCO ENTERPRISES INC.

County: DALLAS

Status: Current

CARROLLTON, TX 75006

IRVING, TX 75063

Orig. Lic. Date: 10/21/2008

Expiration Date: 10/20/2011

Subordinates:

Phone No.: 9724462237

Related To:

Wine Percent: 17

Lic. #: BQ654777

Trade Name: PAYLESS BEER & WINE

Owner: YEON & LIM INC.

County: DALLAS

Status: Current

CARROLLTON, TX 750062196

CARROLLTON, TX 750062196

Orig. Lic. Date: 03/20/2007

Expiration Date: 03/19/2010

Subordinates:

Phone No.: 214 483-5339

Related To:

Wine Percent: 17

Location Address

2760 TRINITY MILLS ROAD SUITE 100

Mailing Address

2760 TRINITY MILLS ROAD SUITE 100

Texas Alcoholic Beverage Commission

Roster Report

All Counties CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ711089
Trade Name: QUICK-SHOP

Mailing Address
1630 VALWOOD PKWY STE 114

Location Address
1630 VALWOOD PARKWAY #114

Owner: ALI, JAVAID
County: DALLAS
Status: Current

CARROLLTON, TX 75006

Orig. Lic. Date: 12/23/2008
Expiration Date: 12/22/2011
Subordinates:

Phone No.: 9722473717
Related To:

Wine Percent: 17

Lic. #: BQ570800
Trade Name: QUIKTRIP #930

Mailing Address
1120 N INDUSTRIAL BLVD

Location Address
1528 W HEBRON PARKWAY

Owner: OKLAHOMA QUIKTRIP BEVERAGE CORPORATION
County: DENTON
Status: Current

EULESS, TX 760397700

Orig. Lic. Date: 12/22/2004
Expiration Date: 12/21/2011
Subordinates:

Phone No.: 918-615-7700
Related To:

Wine Percent: 17

Lic. #: BQ736024
Trade Name: QWRA II BEVERAGES LLC # 7503

Mailing Address
8350 N CENTRAL EXPY #M1015

Location Address
2414 E TRINITY MILLS ROAD

Owner: QWRA II BEVERAGES LLC
County: DALLAS
Status: Current

DALLAS, TX 75206

Orig. Lic. Date: 11/04/2009
Expiration Date: 11/03/2011
Subordinates:

Phone No.: 9724161006
Related To:

Wine Percent: 17

Lic. #: BQ736026
Trade Name: QWRA II BEVERAGES LLC #7502

Mailing Address
8350 N CENTRAL EXPY #M1015

Location Address
1946 IH 35 NORTH

Owner: QWRA II BEVERAGES LLC
County: DALLAS
Status: Current

DALLAS, TX 75203

Orig. Lic. Date: 11/04/2009
Expiration Date: 11/03/2011
Subordinates:

Phone No.: 9722451550
Related To:

Wine Percent: 17

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ570027

Trade Name: RACETRAC BEVERAGE COMPANY #500

Owner: RACETRAC BEVERAGE COMPANY

County: DENTON

Status: Current

Orig. Lic. Date: 12/06/2004

Expiration Date: 12/05/2011

Subordinates:

Phone No.: 972 723-1841

Related To:

Wine Percent: 17

MIDLOTHIAN, TX 76065

Mailing Address
 PO BOX 585

Lic. #: BQ723053

Trade Name: ROSEMEAD CHEVRON

Owner: ROSE - DAL INC.

County: DENTON

Status: Current

Orig. Lic. Date: 06/01/2009

Expiration Date: 05/31/2010

Subordinates:

Phone No.: 972 492-7929

Related To:

Wine Percent: 17

CARROLLTON, TX 750072821

Mailing Address
 3700 OLD DENTON RD

Lic. #: BQ691850

Trade Name: ROSEMEADE BEER & WINE

Owner: BALK CORPORATION

County: DENTON

Status: Current

Orig. Lic. Date: 05/05/2008

Expiration Date: 05/04/2010

Subordinates:

Phone No.: 972 662-3100

Related To:

Wine Percent: 17

CARROLLTON, TX 750071725

Mailing Address
 2515 E ROSEMEADE PKWY
 SUITE 109

Lic. #: BQ630912

Trade Name: S & T BEER WINE

Owner: KJCJ ENTERPRISES INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 06/16/2006

Expiration Date: 06/15/2010

Subordinates:

Phone No.: 972 417-2600

Related To:

Wine Percent: 17

CARROLLTON, TX 750062694

Mailing Address
 2220 MARSH LANE SUITE 122

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ630490

Trade Name: SPEEDY SHOP

Owner: GOLDEN EAGLE ENTERPRISES INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 06/13/2006

Expiration Date: 06/12/2010

Subordinates:

Lic. #: BQ601437

Trade Name: SPICE OF LIFE

Owner: THE SPICE OF LIFE CATERING INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 07/14/2005

Expiration Date: 07/13/2010

Subordinates:

Lic. #: BQ617224

Trade Name: SUNNY'S BEVERAGE ZONE

Owner: ZZN LLC

County: DALLAS

Status: Current

Orig. Lic. Date: 01/06/2006

Expiration Date: 01/05/2012

Subordinates:

Lic. #: BQ696699

Trade Name: SUPER H MART

Owner: H MART TEXAS INC.

County: DALLAS

Status: Current

Orig. Lic. Date: 06/26/2008

Expiration Date: 06/25/2010

Subordinates:

Mailing Address
1105 MUSCOGEE TRL

CARROLLTON, TX 750101131

Wine Percent: 17

Phone No.: 9723890786

Related To:

Mailing Address
1055 TREND DRIVE SUITE 101

CARROLLTON, TX 75006-5447

Wine Percent: 17

Phone No.: 972 417-1755

Related To:

Mailing Address
3824 OVERLOOK COURT

THE COLONY, TX 750563917

Wine Percent: 17

Phone No.: 4698280707

Related To:

Mailing Address
2625 OLD DENTON RD STE 200

CARROLLTON, TX 750075109

Wine Percent: 17

Phone No.: 972-323-9700

Related To:

Texas Alcoholic Beverage Commission

Roster Report

All Counties, CARROLLTON, All Zip Codes

Retailers - BF:BQ

Active (Current, Suspended)

Lic. #: BQ570400
Trade Name: TETCO #655

Location Address

2230 MARSH LANE

Mailing Address
PO BOX 171720

Owner: DFV CONVENIENCE STORES L.P.

County: DALLAS

Status: Current

CARROLLTON, TX 750062601

SAN ANTONIO, TX 782171020

Orig. Lic. Date: 12/13/2004

Expiration Date: 12/12/2011

Subordinates:

Phone No.: 972-418-8087

Related To:

Wine Percent: 17

Lic. #: BQ634084

Trade Name: TOBACCO CHEAPER

Location Address

2145 N JOSEY LANE SUITE 110

Mailing Address

2145 N JOSEY LANE SUITE 110

Owner: ARZU INC.

County: DALLAS

Status: Current

CARROLLTON, TX 75006

CARROLLTON, TX 75006

Orig. Lic. Date: 07/21/2006

Expiration Date: 07/20/2010

Subordinates:

Phone No.: 972 242-0157

Related To:

Wine Percent: 17

Lic. #: BQ570798

Trade Name: TOM THUMB #2590

Location Address

4112 N JOSEY LANE

Mailing Address

3663 BRIARPARK

Owner: RANDALL'S BEVERAGE COMPANY INC.

County: DENTON

Status: Current

CARROLLTON, TX 75007

HOUSTON, TX 77042

Orig. Lic. Date: 12/20/2004

Expiration Date: 12/19/2011

Subordinates:

Phone No.: 9723944127

Related To:

Wine Percent: 17

Lic. #: BQ570454

Trade Name: TONY CONVENIENCE STORE

Location Address

2204 KELLY BOULEVARD SUITE 101

Mailing Address

2204 KELLY BLVD STE 101

Owner: MAI, DUC VAN

County: DALLAS

Status: Current

CARROLLTON, TX 750062858

CARROLLTON, TX 750062858

Orig. Lic. Date: 12/30/2004

Expiration Date: 12/29/2011

Subordinates:

Phone No.: 9724782287

Related To:

Wine Percent: 17

Texas Alcoholic Beverage Commission

Roster Report

All Counties CARROLLTON, All Zip Codes

Retailers - BF, BQ

Active (Current, Suspended)

Lic. #: BQ731323

Trade Name: WALGREENS #10816

Owner: WALGREEN CO.

County: DENTON

Status: Current

Orig. Lic. Date: 09/14/2009

Expiration Date: 09/13/2011

Subordinates:

Lic. #: BQ719477

Trade Name: WEBB CHAPEL BEER & WINE

Owner: WEBB CHAPEL INVESTMENTS INC

County: DALLAS

Status: Current

Orig. Lic. Date: 04/15/2009

Expiration Date: 04/14/2010

Subordinates:

Count:

82

Mailing Address

PO BOX 901

DEERFIELD, IL 60015

Wine Percent: 17

Mailing Address

1200 NORMANDY CT

CARROLLTON, TX 75006

Wine Percent: 17

Location Address

1004 WEBB CHAPEL ROAD

CARROLLTON, TX 75006

Phone No.: 972 416-4303

Related To:

MEMORANDUM

TO: Charter Review Commission

FROM: John Hill, Jason Mathis

RE: City Charter Section 11.04

DATE: March 3, 2010

In 1975, voters of the Town of Addison approved the sale of alcoholic beverages within the City for on-premises and off-premises consumption. Additionally, in 1982, the voters approved a restriction on the location of the sale of alcoholic beverages for off-premises consumption to an area generally described as "the existing west side of Inwood Road between the southern corporate limits and the southern right-of-way line of Belt Line Road..." (April 3, 1982 Charter amendment election adding Section 11.04 to the City Charter (Copy attached hereto as "Exhibit A"))).

STATE LAW

Prior to 1987, Texas cities generally had the authority to regulate the location of the sale of alcoholic beverages. In 1987, however, the Texas Legislature enacted Section 109.57 of the Texas Alcoholic Beverage Code (see "Exhibit B") which restricted and preempted cities' authority to regulate the sale of alcoholic beverages.

In 1993, the Texas Supreme Court upheld the validity of Section 109.57 in *Dallas Merchant's and Concessionaire's Assoc. v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993), and concluded that cities may not "impose stricter standards" on businesses that sell liquor than on those that do not. However, municipal regulations in effect before June 11, 1987 (the effective date of Section 109.57) are "grandfathered" by subsection (c) of the statute. Therefore, those municipal regulations, to the extent they are "otherwise valid," continue to control the sale and consumption of alcoholic beverages. Subsection (c) of the statute further states that the statute's preemption does not affect the validity or invalidity of any amendment to a zoning regulation (including a charter provision) enacted after June 11, 1987 if the amendment lessens the restrictions on the business that sells alcohol.

Chapter 109, Subchapter C of the Texas Alcohol Beverage Code includes various statutes which govern municipalities' ability to control where, within the municipality's jurisdictional limits, alcohol can be sold for off-premises and on-premises consumption (see Exhibit "C").

SECTION 11.04 OF THE ADDISON CHARTER

As noted above, Section 11.04 of the Charter restricts the sale of alcoholic beverages for off-premises consumption to a certain area of the City. Section 11.04 of the City Charter was enacted at a Charter election on April 3, 1982, and therefore Section 109.57 does not preempt Section 11.04.

ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, CALLING AND ORDERING AN ELECTION TO BE HELD IN THE CITY OF ADDISON, TEXAS, ON THE 3RD DAY OF APRIL, 1982, FOR THE PURPOSE OF VOTING ON PROPOSITION 1. TO PROVIDE THAT THE NAME OF THE CITY OF ADDISON BE CHANGED TO "TOWN OF ADDISON"; PROPOSITION 2. TO PROVIDE THAT THE CITY COUNCIL CREATE AND PROVIDE FOR ONE OR MORE MUNICIPAL COURTS AND TO PROVIDE THE JURISDICTION OF THE MUNICIPAL COURT; PROPOSITION 3. TO AUTHORIZE THE CITY COUNCIL TO APPOINT JUDGES TO PRESIDE OVER EACH MUNICIPAL COURT AND TO PROVIDE THE AUTHORITY OF THE MUNICIPAL JUDGES; PROPOSITION 4. TO DELETE THE PROVISION IN THE CHARTER CREATING PUBLIC WORKS DEPARTMENT AND DEPARTMENT OF HEALTH AND SANITATION AND PROVIDE AUTHORIZATION TO THE CITY COUNCIL TO ESTABLISH OTHER DEPARTMENTS AND OFFICES OTHER THAN THOSE CREATED BY CHARTER; PROPOSITION 5. TO PROVIDE THAT NOTICE OF PUBLIC HEARING ON THE BUDGET BE HEARD NOT LESS THAN FIFTEEN (15) NOR MORE THAN THIRTY (30) DAYS AFTER NOTICE OF SUCH HEARING IS PUBLISHED; PROPOSITION 6. TO PROVIDE A LEGAL DESCRIPTION OF THE AREA ALONG THE WEST SIDE OF INWOOD ROAD TO WHICH THE SALE OF ALCOHOLIC BEVERAGES (INCLUDING BEER & WINE) FOR OFF-PREMISES CONSUMPTION IS RESTRICTED; PROPOSITION 7. TO PROVIDE FOR THE CONSTRUCTION AND AFFECT OF THE CHARTER AMENDMENTS UPON EXISTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR APPOINTMENT OF ELECTION OFFICES; PROVIDE FOR ABSENTEE VOTING; PROVIDING FOR EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

Municipal Courts of the Town of Addison, as it may deem necessary, and may appoint one or more judges to serve each court. The Municipal Court shall have jurisdiction: (1) over all criminal cases arising under the ordinances of the City within the city limits and outside the city limits to the extent authorized by State law; (2) concurrent with the appropriate State Court of all criminal cases arising under the laws of the State, where the offense is committed within the city limits of Addison and the penalty does not exceed that which is established for municipal courts by State law; (3) over the forfeiture and collection of bonds given in proceedings therein, and to order the forfeiture of cash acceptance bonds upon failure of the defendant to appear, and to accept the same in lieu of a fine; (4) over cases involving a license or permit granted by the City for any calling, occupation, business or vocation, and in addition to the punishment to be imposed therefor, the Court may suspend or revoke the license or permit so granted; (5) enforce all process of the courts in accordance with State law and City ordinance, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment; (6) punish for contempt, admit to bail, forfeit bonds under such circumstances as provided by County Courts, or County Courts exercising criminal jurisdiction only; (7) over all other matters and cases provided for by State law or City ordinance.

Proposition 3. Shall Article II, Section 2.16 and Article IV, Section 4.07b of the City Charter, be amended, so as to authorize the City Council to appoint judges to preside over each municipal court and to provide the authority of the municipal judges; said Sections of the City Charter, when amended, to read as follows:

Section 2.16: MUNICIPAL JUDGE - Each of the Municipal Courts of the Town of Addison shall be presided over by a judge or judges, each of whom shall be designated as "Municipal Judge". Each judge shall be a practicing attorney of good standing. The Municipal Judges shall be appointed by Council and may be removed by Council at any time for incompetency, misconduct, malfeasance, or disability, after a public hearing before

hearing and shall cause to be published in the official newspaper of the City the time and place, which will be not less than fifteen (15) days nor more than thirty (30) days after date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any items of expense.

Proposition 6. Shall Article XI, Section 11.04 of the City Charter be amended to add a legal description of the area along the west side of Inwood Road to which the sale of alcoholic beverages (including beer and wine) for off-premise consumption is restricted, said Section 11.04, when amended, to read as follows:

Section 11.04: RESTRICTION OF SALE OF ALCOHOLIC BEVERAGES - Sale of alcoholic beverages for off-premise consumption is hereby restricted and limited to the existing west side of Inwood Road between the southern corporate limits and the southern right-of-way of Belt Line Road and such area being more specifically described as follows:

COMMENCING at a point on the South Right-of-Way of Belt Line Road (a 100' R.O.W.) and the West Right-of-Way of St. Louis Southwestern Railway Company (a 100' R.O.W.);

THENCE, in a westerly direction along the South Right-of-Way of Belt Line Road, a distance of 93.02 ft., more or less, to the Point of Beginning, said point being the most northerly point of a corner clip;

THENCE, continue westerly along said South R.O.W. a distance of 159.5 ft., more or less, to a point;

THENCE, in a southerly direction along the common property line (plat bearing S 0°26'E), a distance of 2,601.27 ft., more or less, to a point on the Addison/Farmers Branch City Limits;

THENCE, in an easterly direction along said City Limits Line (plat bearing N 88°58'14" W), a distance of 971.37 ft., more or less, to a point on the West Right-of-Way of Inwood Road;

THENCE, northwesterly along said West Right-of-Way of Inwood Road, a distance of 2,676.56 ft., more or less, to a point, being the most southerly of a corner clip;

THENCE, in a northwesterly direction along said corner clip, a distance of 48.31 ft., more or less, to said Point of Beginning.

Proposition 7. Shall Article XI, Section 11.19 of the City Charter be amended to provide for the construction and affect of the Charter amendments upon existing ordinances and resolutions, said Section 11.19, when amended, to read as follows:

- ☐ YES Proposition 1. Shall Article I, Section 1.01 and Article II, Section 2.12a of the City Charter be amended to provide that the name of the City of Addison be changed to the "Town of Addison".
- ☐ NO
- ☐ YES Proposition 2. Shall Article IV, Section 4.07a of the City Charter be amended to provide that the City Council may create and provide for one or more municipal courts as it may deem necessary and to provide the jurisdiction of the municipal court.
- ☐ NO
- ☐ YES Proposition 3. Shall Article II, Section 2.16 and Article IV, Section 4.07b of the City Charter, be amended so as to authorize the City Council to appoint judges to preside over each Municipal Court and to provide the authority of the Municipal Judges.
- ☐ NO
- ☐ YES Proposition 4. Shall Article IV, Section 4.03, Section 4.09, Section 4.10 and Section 4.11 of the City Charter be amended, so as to delete the provision in the Charter creating Public Works Department and Department of Health and Sanitation and provide authorization to the City Council to establish other departments and offices other than those created by Charter.
- ☐ NO
- ☐ YES Proposition 5. Shall Article V, Section 5.04 of the City Charter, be amended to provide that notice public hearing on the budget be heard not less than fifteen (15) nor more than thirty (30) days after notice of such hearing is published.
- ☐ NO
- ☐ YES Proposition 6. Shall Article II, Section 11.04 of the City Charter be amended to add a legal description of the area along the west side of Inwood Road to which the sale of alcoholic beverages (including beer and wine) for off-premise consumption is restricted.
- ☐ NO
- ☐ YES Proposition 7. Shall Article XI, Section 11.19 of the City Charter be amended to provide for the construction and effect of the Charter amendments upon existing ordinances and resolution.
- ☐ NO

SECTION 4. A Proposition approved by a majority of voters voting shall become effective upon adoption pursuant to Article 1170, Vernon's Annotated Civil Statutes, unless otherwise provided herein.

SECTION 9. Notice of said election will be given in accordance with the terms and provisions of Article 4.05 of the Election Code and Art. 29e and the City Secretary is hereby instructed to have said notice posted and/or published in accordance with law.

SECTION 10. That immediately after said election is held, the officers holding the same shall make returns of the result thereof to the Mayor of this city as required by the Election Code of this State.

SECTION 11. A copy of this ordinance shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge for said election.

SECTION 12. This ordinance shall take effect immediately upon its adoption of the said caption, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS
this the 23 day of February, 1982.

MAYOR

ATTEST:

Jacqueline Sharp
CITY SECRETARY

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

EFFECTIVE DATE: 3-10-82

TEXAS ALCOHOL BEVERAGE CODE
CHAPTER 109 – REGULATORY PROVISIONS
SUBCHAPTER D – MISCELLANEOUS PROVISIONS

§ 109.57. Application of Code; Other Jurisdictions

(a) Except as is expressly authorized by this code, a regulation, charter, or ordinance promulgated by a governmental entity of this state may not impose stricter standards on premises or businesses required to have a license or permit under this code than are imposed on similar premises or businesses that are not required to have such a license or permit.

(b) It is the intent of the legislature that this code shall exclusively govern the regulation of alcoholic beverages in this state, and that except as permitted by this code, a governmental entity of this state may not discriminate against a business holding a license or permit under this code.

(c) Neither this section nor Section 1.06 of this Code¹ affects the validity or invalidity of a zoning regulation that was formally enacted before June 11, 1987, and that is otherwise valid, or any amendment to such a regulation enacted after June 11, 1987, if the amendment lessens the restrictions on the licensee or permittee or does not impose additional restrictions on the licensee or permittee. For purposes of this subsection, "zoning regulation" means any charter provision, rule, regulation, or other enactment governing the location and use of buildings, other structures, and land.

(d) This section does not affect the authority of a governmental entity to regulate, in a manner as otherwise permitted by law, the location of: (1) a massage parlor, nude modeling studio, or other sexually oriented business; or (2) an establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.

(e) A municipality located in a county that has a population of 2.2 million or more and that is adjacent to a county with a population of more than 400,000 or a municipality located in a county with a population of 400,000 or more and that is adjacent to a county with a population of 2.2 million or more may regulate, in a manner not otherwise prohibited by law, the location of an establishment issued a permit under Chapter 32 or 33 if:

(1) the establishment derives 35 percent or more of the establishment's gross revenue from the on-premises sale or service of alcoholic beverages and the premises of the establishment are located in a dry area; and

(2) the permit is not issued to a fraternal or veterans organization or the holder of a food and beverage certificate.

¹ § 1.06. Code Exclusively Governs

Unless otherwise specifically provided by the terms of this code, the manufacture, sale, distribution, transportation, and possession of alcoholic beverages shall be governed exclusively by the provisions of this code.

TEXAS ALCOHOL BEVERAGE CODE
CHAPTER 109 – REGULATORY PROVISIONS
SUBCHAPTER C – LOCAL REGULATION

§ 109.31. Municipal Regulation of Liquor

A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

§ 109.32. ~~Municipal and County Regulation of Beer~~

(a) An incorporated city or town by charter or ordinance may:

(1) prohibit the sale of beer in a residential area; and

(2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

§ 109.33. Sales Near School, Church, or Hospital

(a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, or public hospital;

(2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

*reference to
prohibited
residential
restriction*

alcoholic beverages; or

(3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102.

(g) Subsection (a)(3) does not apply to the holder of:

(1) a license or permit issued under Chapter 27, 31, or 72 who is operating on the premises of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 1,000 feet of a private school.

(h) Subsection (a)(1) does not apply to the holder of:

(1) a license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 300 feet of a private school.

(i) In this section, "private school" means a private school, including a parochial school, that:

(1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

(2) has more than 100 students enrolled and attending courses at a single location.

§ 109.331. Sales Near Day-Care Center or Child-Care Facility

(a) This section applies only to a permit or license holder under Chapter 25, 28, 32, 69, or 74 who does not hold a food and beverage certificate.

(b) Except as provided by this subsection, the provisions of Section 109.33 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section 42.002, Human Resources Code. Sections 109.33(a)(2) and (c) do not apply to a day-care center or child-care facility.

(c) This section does not apply to a permit or license holder who sells alcoholic beverages if:

(1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or

and adequate residence.

(3) "Open container" has the meaning assigned by Section 109.35.

(b) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district.

(c) If the commissioners court of a county or the governing board of an incorporated city or town enacts a prohibition under Subsection (b), the commissioners court or the governing board may enact regulations allowing special temporary events for which Subsection (b) may be suspended.